

### **REMARKS**

In the outstanding Final Office Action, the Examiner has rejected the claims based on a number of different prior art grounds. More specifically, claims 1-3, 5, 10 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Heynen (U.S. 1,662,039); claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Heynen in view of Lobner (U.S. Patent No. 1,677,146) and also over Louder (U.S. 6,908,864); claims 1, 2, 3, 5, 10 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Louder; claims 1, 2, 3, 5, 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Levy (U.S. Patent No. 2,057,838) in view of Heynen; claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heynen, Louder or Levy in view of Sanchez or Hallam.

Applicant has amended the claims and request entry of the amendments and allowance of the amended claims for the following reasons.

Amended claim 1 recites a packaged necktie that includes a box including a bottom portion and a necktie arranged within the box such that it includes a rolled end portion. The rolled end portion is a circuitously rolled portion at one end of the necktie. Support for this amendment is found in the specification (e.g., paragraph [0017]) and Figs. 3a and 3b. The package also includes a continuous elastic member affixed to the bottom portion of the box and configured to retain the rolled necktie so as to normally prevent separation of the necktie from the box. The elastic member is mounted to the box at first and second spaced locations within the box and is disposed so as to retain the necktie by overlying a first portion of the rolled necktie while being concealed by a second portion of the rolled necktie such that the elastic member is concealed from view within the box. The first and second portions are different from the rolled end portion.

The Heynen reference discloses a container for a necktie that has an elastic band. The reference merely discloses that in order to attach the outer ends of the neckties to the cover, elastic band 13 is used.

The Louder reference discloses U-shaped supports 1. The tie is merely laid over the bottom of the support between the two arms of the support. It is never looped about the support 1 since the bottom of the support 1 is disposed on the bottom of the box. The Examiner refers to portion 7 but this is merely a blank used to form the support 1.

Levy merely discloses a wire and the folded tie is looped about the wire.

Lobner discloses a tie case with strap that is laid over a folded tie.

Claim 1 in its amended form recites that the necktie is arranged within the box such that it includes a rolled end portion, the rolled end portion being a circuitously rolled portion at one end of the necktie. Applicant respectfully submits that the rolled nature of one end of the necktie is now positively recited and this feature is clearly lacking in the cited references since the reference at best show folded ties where merely one end of the tie is folded over the other end. This simple folding pattern is much different than the claimed rolled end portion that is set forth in the claim.

Claim 1 also recites first and second portions of the necktie that interact with the elastic member; however, the first and second portions are different from the rolled end portion.

Applicant submits that the present invention is directed to a packaging arrangement that not only retains neckties, but also attractively displays them. The claims recite that the necktie itself conceals the elastic member from view while the decorative necktie is displayed within the box. This is the case when the box is in an open position and therefore distinguishes structurally over the cited references. This is also evident in the figures, several of which show the tie after it has been retained by a concealed elastic member. This arrangement advantageously retains the necktie in the display box while hiding the elastic retaining member so that the necktie can be more attractively presented to prospective purchasers yet is retained to prevent separation, soiling, theft, etc.

Prior art necktie packaging arrangements were not concerned with concealing retaining members from view to best display the necktie with the container uncovered. In view of the above

amendments, Applicant submits that the case is in condition for allowance and respectfully requests that the pending claims be allowed and the case passed to issue.

Based on the foregoing, Applicant respectfully submits that amended claim 1 should be allowed. Reconsideration and allowance of amended claim 1 are earnestly solicited.

Claims 2, 5, 6, 8, 9, 15 and 16 should be allowed as depending from what should be an allowed independent claim 1, as amended.

Applicant has added new claim 17 and respectfully contends that claim 17 should be allowed for the same reasons why claim 1 should be allowed. More specifically, the rolled end portion of the neck tie and the first and second segments of the elastic member distinguish the present invention over the cited references.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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